

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARK ANTHONY KIRK,

Petitioner,

v.

PERRY PHELPS,

Warden, and JOSEPH R.

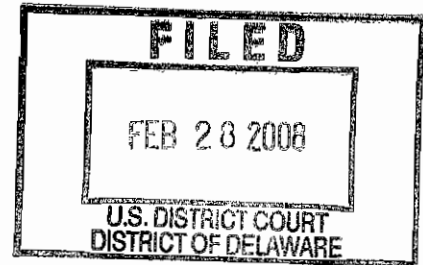
BIDEN, III, Attorney

General of the State of

Delaware,

Respondents.

Civil Action No. 08-37-JJF



AEDPA ELECTION FORM

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1. ☒

I wish the Court to rule on my § 2254 petition as currently pending. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this petition will be my one opportunity to seek federal habeas corpus relief.

2. ☐

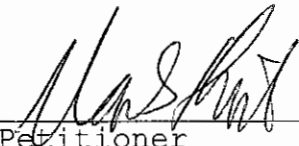
I wish to amend my § 2254 petition to include all the grounds I have. I will do so within thirty (30) days. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this amended all-inclusive petition will be my one opportunity to seek federal habeas corpus relief.

3. ☐

I wish to withdraw my § 2254 petition

without prejudice to file one all-inclusive petition in the future; that is, one that raises all the grounds I have for federal habeas corpus relief. I realize this all-inclusive petition must be filed within the one-year period as defined by 28 U.S.C. § 2244(d). See Swartz v. Meyers, 204 F.3d 417 (3d Cir. 2000).

4. _____ I am not seeking federal habeas corpus relief under § 2254. I am instead seeking relief under _____.



Petitioner

26 February 2008